

UNITED STATES DISTRICT COURT  
for the  
District of Nebraska

## United States of America

V.

Oscar Lopez-Insuza

7

Case No: 8:11CR326

USM No: 23346-047

David R. Stickman

*Defendant's Attorney*

Date of Original Judgment: 05/07/2012

05/07/2012

Date of Previous Amended Judgment: \_\_\_\_\_

*(Use Date of Last Amended Judgment if Any)*

**AMENDED ORDER REGARDING MOTION FOR SENTENCE REDUCTION  
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

DENIED.  GRANTED and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of **months is reduced to** .

*(Complete Parts I and II of Page 2 when motion is granted)*

Except as otherwise provided, all provisions of the judgment dated 05/07/2012 shall remain in effect.

## IT IS SO ORDERED.

Order Date: 02/23/2016

Effective Date: \_\_\_\_\_  
*(if different from order date)*

*Doris Sitt Case*

Judge's signature

Laurie Smith Camp, Chief U.S. District Judge

*Printed name and title*

**This page contains information that should not be filed in court unless under seal.  
(Not for Public Disclosure)**

Oscar Lopez-Insuza

DEFENDANT: \_\_\_\_\_

CASE NUMBER: 8:11CR326

DISTRICT: District of Nebraska

**I. COURT DETERMINATION OF GUIDELINE RANGE (*Prior to Any Departures*)**

Previous Total Offense Level: \_\_\_\_\_ Amended Total Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_ Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

**II. SENTENCE RELATIVE TO THE AMENDED GUIDELINE RANGE**

- The reduced sentence is within the amended guideline range.
- The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a substantial assistance departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- The reduced sentence is above the amended guideline range.

**III. ADDITIONAL COMMENTS**

The Defendant's pro se Motions to Reduce Sentence - USSC Amendment (Filing Nos. 68, 69 and 72) are denied. Defense counsel's Motion to Withdraw (Filing No. 71) is granted, although the Court disagrees with counsel's statement that "the Defendant received the two-level reduction benefit pursuant to Amendment 782 at sentencing." The record shows that the Defendant was sentenced pursuant to an 11(c)(1)(C) plea agreement to a term of 99 months, which term was well below the applicable guideline range before or after the effective date of Amendment 782. Further, the plea agreement (Filing No. 49) demonstrates that the stipulated sentence was not dependent upon the calculation of any specific guideline range. See Freeman v. United States, 131 S.Ct. 2685 (2011).